

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Scott Hutchinson Enterprises, Inc., et al., : Civil Action No. 1:01cv00776
Plaintiffs : Judge Weber
v. : **PLAINTIFFS MOTION FOR LEAVE**
Rhodes, Inc., et al., : **TO FILE SECOND AMENDED**
Defendants : **SECONDED AMENDED COMPLAINT**

Plaintiffs hereby move the Court to file a second amended complaint to add additional parties, defendants Larry Rhodes, Inc., James Zimmer and Jack Geisler, and to state additional claims against the Rhodes defendants, Zimmer and Geisler, as more fully set forth in the attached Memorandum In Support.

Respectfully submitted,

S/William P. Schroeder

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Attorney for Plaintiffs

MEMORANDUM IN SUPPORT

The Motion for Leave to File the Second Amended Complaint is supported by the Federal

Rules of Civil Procedure, Rule 15(a). It is based on new information revealed in the course of discovery which requires adding three additional parties, and stating additional claims against them and the "Rhodes" defendants.

On Monday, October 27, 2003, counsel for Plaintiffs took the deposition of Larry Rhodes, believed to have been the principal of Rhodes, Incorporated. During the course of that deposition, the deponent testified that while the company uses the name Rhodes, Inc. on all of its literature, reports, documents, and the like, and further acknowledged that there are, in fact, corporations known as Rhodes, Inc., and Rhodes, Incorporated, the actual legal entity which undertook the allegedly defective work which is the subject of claims in this lawsuit is a Kentucky corporation whose correct corporate denomination is "Larry Rhodes, Inc." The deponent further testified that as a part of its work and the report, a written warranty was issued to the effect that the work would be done in a workmanlike manner consistent with applicable standards of the profession. It was further revealed that the individuals, Zimmer and Geisler, were directly involved in the environmental assessment and report, and both signed the report which contained a written warranty of the work.

Because of the foregoing, Plaintiffs request leave to file a Second Amended Complaint, adding Zimmer, Geisler, and the corporate defendant, Larry Rhodes, Inc., and stating additional claims as set forth in the proposed Second Amended Complaint, attached hereto and tendered as Exhibit A to this Motion and Memorandum.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on **November 6, 2003**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECFF system and I hereby certify that I have mailed by United States Postal Service the document to the following:

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S/ William P. Schroeder

William P. Schroeder

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott Hutchison Enterprises, Inc.
302 12th Avenue
Huntington, West Virginia 25701

CASE NO: C-1-01-776
Judge Weber

and

W.N. & Scott Hutchison Partnership
An Ohio Partnership
905 Bonnie Boulevard
Huntington, West Virginia

SECOND AMENDED COMPLAINT
With Interrogatories Annexed
(Jury Trial Requested)

Plaintiffs

vs.

Larry Rhodes, Inc.
Larry Rhodes, Inc. dba Rhodes, Inc.
Rhodes, Inc.
Rhodes, Incorporated, and
Rhodes and Associates, Inc.
115 Eisenhower Court
Nicholasville, Kentucky 40356-9166

and

James M. Zimmer
3164 Roxbury Drive
Lexington, Kentucky 40503

and

H. Jack Geisler
33868 Moundview Court
Lexington, Kentucky 40502

and

H.T. Boggs
P.O. Box 1511
Bartow, Florida 33831

Defendants

:
:
:
:
:
:

PRELIMINARY AND JURISDICAL ALLEGATIONS

1. Scott Hutchison Enterprises, Inc., (hereinafter sometimes referred to as "Hutchison Enterprises") is a West Virginia corporation which is in the business of developing and owning real estate and other businesses.
2. W.N. & Scott Hutchison Partnership (hereinafter sometimes referred to as "Hutchison Partners") is an Ohio general partnership organized and existing under the laws of Ohio.
3. Larry Rhodes, Inc., Rhodes Incorporated, Rhodes, Inc. and Rhodes and Associates, Inc. (hereinafter sometimes referred to as "Rhodes") are corporations, organized and existing under the laws of the Commonwealth of Kentucky, in the business of professional engineering, geology, and drilling services, environmental assessments, and advice and counsel concerning the purchase and development of real estate. None of the Rhodes Defendants has an office or place of business in Ohio or West Virginia.
4. H.T. Boggs, (hereinafter sometimes referred to as "Boggs") is an individual who resides in Bartow, Florida and who has no principal office, domicile, or business presence in the State of Ohio or West Virginia.
5. James M. Zimmer (hereinafter sometimes referred to as "Zimmer") is an individual

who resides in the Commonwealth of Kentucky and has no principal office, domicile or business presence in the State of Ohio or West Virginia.

6. H. Jack Geisler (hereinafter sometimes referred to as "Geisler") is an individual who resides in the Commonwealth of Kentucky and has no principal office, domicile or business presence in the State of Ohio or West Virginia.
7. There exists complete diversity between and among the Plaintiffs and the Defendants and federal jurisdiction under 28 U.S.C. §1332 inasmuch as neither Rhodes, Boggs, Zimmer nor Geisler is domiciled nor has a principal office or place of business in either West Virginia or Ohio, and neither Hutchison Incorporated, nor Hutchison Partners are domiciled nor have a principal office or business in Florida, where Boggs is domiciled, nor Kentucky, where Rhodes, Zimmer and Geisler are domiciled.
8. The real estate which is the subject of this action is located in Lawrence County, Ohio, within the Southern District of Ohio, Western Division.
9. The amount in controversy exceeds \$75,000 plus interest and costs.
10. This Court has personal jurisdiction over the Defendants pursuant to Ohio Revised Code 2307.38.2 inasmuch as:
 - a) Rhodes, Zimmer, Geisler and Boggs transacted business in Ohio directly related to the transactions, acts and omissions which are the subject of Plaintiffs' claims against them;
 - b) Rhodes, Zimmer and Geisler contracted to and did supply services to Plaintiffs in Ohio directly related to the Plaintiffs' claims against them;

property which he called "Boggs Landing."

17. The mobile home park was on a portion of the subject property developed for that purpose, situated on the southern portion of the property between Old US 52 and the Ohio River.
18. The portion of the property located north of Old US 52 between Old US 52 and the present (new) US 52 was undeveloped at that time.
19. Sometime during the time period 1997 through 1998, defendant Boggs decided to expand Boggs Landing Mobile Home Park, by developing Boggs Landing Addition, a new mobile home park development containing approximately sixty additional mobile home sites.
20. In connection with this, defendant Boggs procured a professional design and layout of the proposed expansion, which showed it to be situated on the undeveloped portion of the subject real estate laid out on the entire parcel between Old US 52 and new US 52.
21. Sometime during the year 1998, defendant Boggs, operating as Boggs Landing, began clearing trees, excavating materials, digging and filling on areas of the subject property which are now alleged to be "disturbed wetlands."
22. Upon information and belief, Plaintiffs allege that after defendant Boggs, operating as Boggs Landing, had done substantial clearing, and brought in and dumped numerous truckloads of fill on the subject property, they were informed by the adjoining property owner that the area of the subject property they were clearing and filling was alleged to be a wetland area which could not be legally cleared or filled without compliance with state and/or federal regulations pertaining to such areas.

23. Upon information and belief, the clearing, excavation and filling on the undeveloped portion of the subject property done by or on behalf of the defendant Boggs in 1997 and/or 1998 substantially disturbed, damaged and disrupted portions of the subject property alleged to be wetlands.
24. After receiving said information, defendant Boggs stopped clearing and filling said area, withdrew all construction equipment from the site, and abandoned plans to construct Boggs Landing Addition on the subject property.
25. Thereafter, and prior to the December 6, 1999 closing on the sale of the property, defendant Boggs made verbal representations to Plaintiffs that the undeveloped portion of the subject property was "ideal" for development of a mobile home park.
26. During the same time, defendant Boggs deliberately withheld from Plaintiffs information that he had abandoned his own plan for development of a (Boggs Landing Addition) mobile home park after learning the location was alleged to be a wetland, and that he had partially cleared, filled and otherwise disturbed the surface of said property in the area which he had been informed was alleged to be a wetland where clearing and excavating could not likely be done except in compliance with state and federal regulations pertaining to wetland areas.
27. Since purchasing said property, Plaintiffs have been informed and believe that they are obligated to comply with regulations requiring mitigation and remediation of the disturbed wetland on the subject property, requiring Plaintiffs to acquire additional property and restore or create replacement wetland property in a quantity not less than three-to-one (three acres restored for each acre disturbed).

28. The costs and expenses of said remediation and restoration cannot be specifically determined at the present time, but are believed to be in excess of \$75,000.
29. In reliance upon the representations of Boggs, and also in reliance upon the professional environmental and engineering information, consultation, advice and warranties provided by defendants Rhodes, Zimmer and Geisler as more fully hereinafter described, Plaintiffs purchased the subject real estate and undertook preliminary work to develop it which included the clearing of trees from the site.
30. Plaintiffs took title to the subject real estate at the closing December 6, 1999.
31. Unbeknownst to the Plaintiffs, the subject real estate contained wetlands and environmentally sensitive soils protected by state and federal law.
32. Being unaware of the environmental sensitivity and protected nature of this property, Plaintiffs began clearing existing trees and brush from the property after the closing in December of 1999. However, the United States Army Corp of Engineers notified Plaintiffs to cease and desist all further activities, and issued a formal Cease & Desist Order on May 10, 2000.
33. Plaintiffs allege they are unable to develop the subject real estate; and that they are or may be obligated by law to perform remedial work on the aforesaid property and/or restore or replace environmentally sensitive aspects of said property at great expense, the extent and nature of which are not presently known or determinable.
34. As a result, the Plaintiffs have been damaged and will be further damaged in the future in an amount not presently ascertainable, but in excess of \$75,000.

FIRST CLAIM- - AGAINST BOGGS

35. Plaintiffs incorporate by reference each and every allegation and averment hereinabove set forth and further state that as a result of the acts, omissions, breaches of warranty and misrepresentations of Boggs, Plaintiffs have been damaged and are entitled to a judgment against Boggs in an amount presently unknown and not determinable, but in excess of \$75,000.

SECOND CLAIM - - AGAINST BOGGS

36. Plaintiffs incorporate by reference each and every allegation and averment hereinabove set forth and further state that Boggs breached his contract and agreement with the Plaintiffs, as a result of which the Plaintiffs have been damaged in an amount presently unknown and not presently ascertainable, but in excess of \$75,000.

THIRD CLAIM - - AGAINST RHODES

37. Plaintiffs incorporate by reference each and every allegation and averment hereinabove set forth and further state that in October of 1999, Rhodes made a proposal to Plaintiffs to perform technical investigation, consultation, and engineering services, in connection with Plaintiffs' investigation and contemplated purchase of the property from Boggs.

38. Plaintiffs and Defendants, Rhodes entered in to an agreement by virtue of which Rhodes agreed to make a professional technical investigation of the subject property to inform and advise Plaintiffs prior to the purchase of said property, including specific information referable the environmental aspects, geographic area, and the geologic and

hydrologic conditions present on said property.

39. Defendants Rhodes, Zimmer and Geisler performed said services negligently, and provided inadequate, incomplete and misleading information to the Plaintiffs that did not reveal or disclose the existence of protected wetlands and environmentally sensitive soils or other conditions on said property, which they knew or in the exercise or reasonable care should have known existed, and were obligated to discover and describe to the Plaintiffs.

40. In reliance upon the work, advice and information provided by Rhodes, Zimmer and Geisler, which was negligently performed and inadequately prepared, Plaintiffs purchased the real estate and took title to it on December 6, 1999, and shortly thereafter began to clear said land in preparation for development work which had been contemplated as a part of the decision to purchase.

41. Shortly thereafter, Plaintiffs' development work was stopped by the United States Army Corp of Engineers and a "Cease and Desist Order" was issued preventing Plaintiffs from doing further work on the subject property.

42. As a result of the negligent and inadequate work performed and Plaintiffs' reliance on the inadequate and incomplete information provided by Rhodes, Zimmer and Geisler to the Plaintiffs, Plaintiffs have been damaged, and will be further damaged in the future in an amount not presently known, and not presently ascertainable, but in excess of \$75,000.

FOURTH CLAIM – AGAINST RHODES

43. For their Fourth and additional claim against the defendant Rhodes, Plaintiffs

incorporate by reference each and every allegation and averment hereinabove set forth and further state that the report and recommendations of Rhodes included a specific written warranty made by Rhodes, Zimmer and Geisler, to wit:

“In performing our professional services, we have used that degree of care and skill ordinarily exercised under similar circumstances by members of the profession. This warranty is in lieu of all other warranties, expressed or implied.”

44. Defendant Rhodes breached its express warranty to the Plaintiffs.

45. Plaintiffs are entitled to judgment against Rhodes in an amount not presently known or ascertainable, but in excess of \$75,000, plus their attorney's fees, costs, interest and expenses.

FIFTH CLAIM – AGAINST JAMES M. ZIMMER

46. Plaintiffs incorporate by reference each and every allegation and averment hereinabove set forth and further state that at times pertinent to this action, the Defendant James M. Zimmer, P.G. was the project geologist for the defendant Rhodes.

47. Defendant Zimmer outlined and represented the work which would be done and made promises and commitments to the Plaintiffs regarding the scope and quality of it.

48. Defendant Zimmer represented to the Plaintiffs that, on the basis of his work, except for the dumping of some common trash, there were no environmental conditions revealed in respect of the undeveloped tract, which was ultimately determined to be a wetland.

49. Defendant Zimmer further warranted in writing to the Plaintiffs that his professional services, and those of the defendant Rhodes, used that degree of care and skill ordinarily exercised under similar circumstances by members of the profession.

50. Defendant Zimmer further warranted to Plaintiffs that there were no marsh lands or other signs of wetlands in the vicinity of the land, which was ultimately determined to be a wetland.

51. Defendant Zimmer breached his express warranty and failed to exercise reasonable and ordinary care and otherwise comply with the standards of care and skill ordinarily exercised under similar circumstances by members of his profession.

52. Plaintiffs have been damaged and will be further damaged by the breaches of warranty and negligence of the Defendant Zimmer, and are entitled to judgment against the Defendant Zimmer in an amount not presently known or ascertainable, but in excess of \$75,000, plus their costs, interests, expenses and attorney's fees.

SIXTH CLAIM – AGAINST JACK L. GEISLER

53. Plaintiffs incorporate by reference each and every allegation and averment hereinabove set forth and further state that at times pertinent to this action, the Defendant Geisler was a professional engineer and Vice President of Engineering Services, and was an officer of the Defendant Rhodes.

54. Defendant Geisler represented to the Plaintiffs that, on the basis of his work, except for the dumping of some common trash, there were no environmental conditions revealed in respect of the undeveloped tract which was ultimately determined to be a wetland.

55. Defendant Geisler further warranted in writing to the Plaintiffs that his professional services, and those of the defendant Rhodes, used that degree of care and skill ordinarily exercised under similar circumstances by members of the profession.

56. Defendant Geisler further warranted to Plaintiffs that there were no marsh lands or

other signs of wetlands in the vicinity of the land, which was ultimately determined to be a wetland.

57. Defendant Geisler breached his express warranty and further failed to exercise reasonable and ordinary care and otherwise comply with the standards of care and skill ordinarily exercised under similar circumstances by members of his profession.

58. Plaintiffs have been damaged and will be further damaged by the breaches of warranties and negligence of the Defendant Geisler, and are entitled to judgment against the Defendant Geisler in an amount not presently known or ascertainable, but in excess of \$75,000, plus their costs, interests, expenses and attorney's fees.

WHEREFORE, Plaintiffs pray for judgment against each and all of the Defendants, jointly, and severely, in an amount not presently ascertainable, but in excess of \$75,000, plus their costs, prejudgment interest, expenses, and attorneys fees, and pray for trial by jury of the within claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on **November 6, 2003**, I electronically filed the foregoing as Exhibit A to a Motion for Leave to Amend with the Clerk of the Court using the CM/ECFF system and I hereby certify that I have mailed by United States Postal Service the document to the following:

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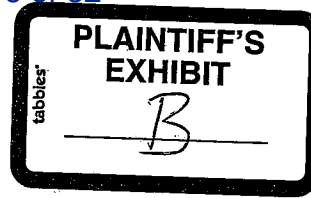
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S/William P. Schroeder

Complaints and Other Initiating Documents1:01-cv-00776-HJW Scott Hutchison Ent, et al v. Rhodes Inc, et al**U.S. District Court [LIVE]****LIVE - U.S. District Court, Southern District of Ohio**

Notice of Electronic Filing

The following transaction was received from Schroeder, William Paul entered on 11/6/2003 at 1:32 PM EST and filed on 11/6/2003

Case Name: Scott Hutchison Ent, et al v. Rhodes Inc, et al**Case Number:** 1:01-cv-776**Filer:** Scott Hutchison Enterprises Inc
W N & Scott Hutchison Partnership**Document Number:** 68**Docket Text:**

MOTION to Vacate, Set Aside or Correct Sentence (2255) *LEAVE TO AMEND COMPLAINT*, filed by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership, Defendants Rhodes Inc, Rhodes Incorporated, Rhodes and Associates Inc, H T Boggs.(Schroeder, William)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1040326259 [Date=11/6/2003] [FileNumber=65247-0]
[4a3f545ed698007655c8c15d2283c3f02011e78ce145b6c1ebc02da39be7b3133c98a
eaf3f084a8515b3ae3032c8432cff4476c4bba45befc494c20626d0b0ab]]

1:01-cv-776 Notice will be electronically mailed to:

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1:01-cv-776 Notice will not be electronically mailed to:

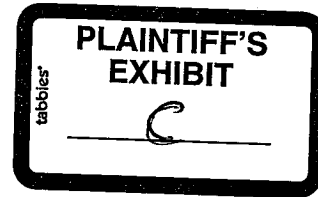
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JURY

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:01-cv-00776-HJW**



Scott Hutchison Ent, et al v. Rhodes Inc, et al
Assigned to: Judge Herman J. Weber
Demand: \$75000
Cause: 28:1332 Diversity-Other Contract

Date Filed: 11/08/2001
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

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Plaintiff**W N & Scott Hutchison Partnership**
An Ohio Partnership

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V.

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Defendant

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W Craig Robertson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Gayle Benner McGrath

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ATTORNEY TO BE NOTICED

Cross Claimant

Rhodes Inc

represented by **Amy Pigg Shafer**

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TERMINATED: 12/11/2003

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ATTORNEY TO BE NOTICED

M Bradford Sanders

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert James D'Anniballe, Jr.

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TERMINATED: 12/11/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Cross Defendant

H T Boggs

represented by **Thomas Robert Schuck**

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Cross Claimant

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Cross Defendant

H Jack Geisler

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ATTORNEY TO BE NOTICED

Cross Defendant

Rhodes Inc

Cross Defendant

Rhodes Incorporated

Cross Defendant

James M Zimmer

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ATTORNEY TO BE NOTICED

Cross Claimant

H Jack Geisler

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Cross Claimant

James M Zimmer

represented by **Gayle Benner McGrath**
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ATTORNEY TO BE NOTICED

V.

Cross Defendant

H T Boggs

Cross Defendant

Rhodes Inc

Cross Defendant

Rhodes Incorporated

Cross Defendant

Rhodes and Associates Inc

Date Filed	#	Docket Text
11/08/2001	1	COMPLAINT & JURY DEMAND (Summonses issued) (no. pgs: 19) (ph) (Entered: 11/13/2001)
11/08/2001		Filing Fee Paid: on 11/8/01 in the amount of \$ 150.00, receipt # 100

		412861. (ph) (Entered: 11/13/2001)
11/13/2001	2	Summons issued as to defendants H T Boggs, Rhodes and Associate, Rhodes Incorporated and Rhodes Inc via certified mail pursuant to LR 4.2 (km) (Entered: 11/15/2001)
11/15/2001	3	RETURN OF SERVICE executed upon defendants Rhodes Inc, Rhodes Incorporated and Rhodes and Associate on 11/14/01 (no pgs: 1) (ph) (Entered: 11/16/2001)
11/20/2001	4	PRELIMINARY PRETRIAL CONFERENCE ORDER by Judge Herman J. Weber; pltf shall file JPL by 2/15/02 ; Case mgmt ddl set for 2/15/02 ; Prelim pretrial conf set for 10:30 4/5/02 (cc: all counsel) (no pgs: 3) (ph) (Entered: 11/20/2001)
11/27/2001	5	RETURN OF SERVICE executed upon defendant H T Boggs on 11/19/01 (no pgs: 1) (ph) (Entered: 11/28/2001)
12/06/2001	6	MOTION by plaintiffs to extend time until 1/9/02 for defts to respond to complaint (no pgs: 2) (ph) (Entered: 12/07/2001)
12/12/2001	7	ORDER by Judge Herman J. Weber granting motion to extend time until 1/9/02 for defts to respond to complaint [6-1] (cc: all counsel) (no pgs: 1) (ph) (Entered: 12/12/2001)
01/08/2002	8	MOTION by defendant H T Boggs for more definite statement (no pgs:) (ph) (Entered: 01/09/2002)
01/11/2002	9	ANSWER TO to [1-1] AND CROSSCLAIM by defendant Rhodes Inc against defendant H T Boggs; jury demand (ph) (Entered: 01/29/2002)
01/11/2002	10	CORPORATE DISCLOSURE STATEMENT by defendant Rhodes Inc (no pgs: 2) (ph) (Entered: 01/29/2002)
01/15/2002	11	ORDER by Judge Herman J. Weber referring to Mag. Judge Timothy S. Hogan motion for more definite statement [8-1] (cc: all counsel) (no pgs: 1) (ph) (Entered: 01/29/2002)
01/18/2002	12	ANSWER by cross-defendant H T Boggs to Crossclaim (no pgs: 3) (ph) (Entered: 01/29/2002)
02/12/2002	13	RESPONSE by plaintiff to motion for more definite statement [8-1] (no pgs: 4) (ph) (Entered: 02/13/2002)
02/14/2002	14	RESPONSE by plaintiffs & defendants to Preliminary Pretrial Conference Order [4-1]; JPL & Proposed Scheduling Order (ph) (Entered: 02/15/2002)
03/04/2002	15	STATEMENT/FRCP 26(a)(1) INITIAL DISCLOSURES by defendant Rhodes Inc (no pgs: 4) (km) (Entered: 03/05/2002)
04/05/2002	16	CIVIL MINUTES: Proceeding before Judge Herman J. Weber ; Prelim pretrial conf held in Chambers 10:30 4/5/02 ; Pending motions addressed; schedule deferred pending further Order of the Court; Order to issue; Court Reporter Julie olfer (Official) (no pgs: 1) (ph) (Entered: 04/05/2002)

		04/08/2002)
04/08/2002	17	ORDER by Judge Herman J. Weber that preliminary pretrial conference is continued pending further order of the Court; pltf is Ordered to file amended complaint by 4/25/02; def'ts have 20 days thereafter to respond; parties are Ordered to submit JPL with 30 days after new parties enter their appearance; withdrawing motion for more definite statement [8-1] (cc: all counsel) (no pgs: 1) (ph) (Entered: 04/08/2002)
04/22/2002	18	MOTION by defendant Rhodes Inc to stay (no pgs: 12) (ph) (Entered: 04/23/2002)
04/23/2002	19	AMENDED COMPLAINT by plaintiffs; jury demand (no pgs: 7+Interrogatories) (ph) (Entered: 04/24/2002)
05/08/2002	20	RESPONSE by plaintiff to motion to stay [18-1] (no pgs: 3) (ph) (Entered: 05/09/2002)
05/16/2002	21	ANSWER to Amended Complaint by defendant H T Boggs (no pgs: 6) (ph) (Entered: 05/17/2002)
06/06/2002	22	ORDER by Judge Herman J. Weber setting telephonic conference on def'ts motion to stay [18-1] at 10:30 6/12/02 (cc: all counsel) (no pgs: 1) (ph) (Entered: 06/06/2002)
06/12/2002	23	CIVIL MINUTES: Telephonic Hearing before Judge Herman J. Weber on motion to stay [18-1]; Order to issue; Court Reporter M Ranz (Official) (cc: all counsel) (no pgs: 1) (ph) (Entered: 06/12/2002)
06/12/2002	24	ORDER by Judge Herman J. Weber granting motion to stay [18-1]; This matter is stayed for three weeks; Parties shall submit a proposed joint scheduling order by 7/3/02 (cc: all counsel) (no pgs: 1) (ph) (Entered: 06/12/2002)
07/01/2002	25	REPLY by defendant Rhodes Inc to response to motion to stay [18-1] (ph) (Entered: 07/02/2002)
07/12/2002	26	MOTION by defendant Rhodes Inc to extend stay (no pgs:) (ph) (Entered: 07/12/2002)
07/23/2002	27	ORDER by Judge Herman J. Weber granting motion to extend stay until 9/24/02 [26-1]; Counsel shall submit Proposed Scheduling Order by 9/30/02 (cc: all counsel) (no pgs: 1) (ph) (Entered: 07/23/2002)
07/24/2002	28	RESPONSE by plaintiffs to motion to extend stay [26-1] (no pgs: 2) (ph) (Entered: 07/25/2002)
09/27/2002	29	MOTION by defendant H T Boggs to compel discovery , and for award of expenses (Affidavit attached) (ph) (Entered: 09/30/2002)
10/08/2002	30	RESPONSE by plaintiffs to motion to compel discovery [29-1], motion for award of expenses [29-2] (no pgs: 10+) (ph) (Entered: 10/09/2002)
10/15/2002	31	REPLY by defendant H T Boggs to response to motion to compel discovery [29-1], motion for award of expenses [29-2] (no pgs: 2) (ph)

		(Entered: 10/16/2002)
10/15/2002	32	MOTION by defendant Rhodes Inc to extend stay () (ph) (Entered: 10/16/2002)
10/23/2002	33	RESPONSE by plaintiffs to motion to extend stay [32-1] (no pgs: 2) (ph) (Entered: 10/24/2002)
01/17/2003	34	NOTICE by defendant H T Boggs of withdrawal of motion to compel discovery [29-1], motion for award of expenses [29-2] (no pgs: 2) (ph) (Entered: 01/22/2003)
01/22/2003	35	ORDER by Judge Herman J. Weber denying as moot motion to extend stay [32-1]; parties are Ordered to submit a Proposed Joint Scheduling Order by 2/7/03 (cc: all counsel) (no pgs: 3) (ph) (Entered: 01/22/2003)
02/13/2003	36	RESPONSE by plaintiffs and defendants to Preliminary Pretrial Conference Order [4-1]; JPL & Proposed Scheduling Order (no pgs: 3) (ph) (Entered: 02/14/2003)
02/18/2003	37	SCHEDULING ORDER by Judge Herman J. Weber ; A/complaint ddl set for 5/20/03 ; Pltf's Witness list ddl set for 6/2/03 ; Deft's Witness list ddl set for 8/4/03 ; Discovery ddl set for 12/31/03 ; Status report ddl set for 8/1/03 ; Mtn filing ddl set for 3/1/04 ; JFPTO ddl set for 7/7/04 ; Jury trial set for 8/04 trial term ; BYR ORDER (cc: all counsel) (no pgs: 2) (ph) (Entered: 02/18/2003)
02/18/2003	38	ORDER by Judge Herman J. Weber in re Trial preparation w/witness and exhibit lsits (cc: all counsel) (no pgs: 6+Proposed JFPTO) (ph) (Entered: 02/18/2003)
06/02/2003	39	Expert Witness list submitted by plaintiff (no pgs: 3) (ph) (Entered: 06/05/2003)
06/03/2003	40	Addendum/Supplement by plaintiff Expert Witness List [39-1] (no pgs: 2) (ph) (Entered: 06/05/2003)
06/10/2003	41	Addendum/Supplement by plaintiffs to Expert Witness List [39-1] () (ph) (Entered: 06/11/2003)
06/17/2003	42	MOTION by defendants Rhodes Inc & H T Boggs to amend Scheduling Order (ph) (Entered: 06/17/2003)
06/27/2003	43	RESPONSE by plaintiff to motion to amend Scheduling Order [42-1] () (ph) (Entered: 07/01/2003)
07/23/2003	44	AMENDED SCHEDULING ORDER by Judge Herman J. Weber granting motion to amend Scheduling Order [42-1] ; Pltf's Witness list ddl set for 10/15/03 ; Deft's Witness list ddl set for 12/15/03 ; , Discovery ddl reset for 2/15/04 ; Status report ddl reset for 2/15/04 ; Mtn filing ddl reset for 4/26/04 ; JFPTO ddl reset for 7/5/04 ; Jury trial reset for 8/04 trial term ; BYR ORDER (cc: all counsel) (no pgs: 2) (ph) (Entered: 07/23/2003)
08/18/2003	45	NOTICE by defendant H T Boggs of taking depositions of Mitch Klein

		on 8/25/03 at 10 am; Robert VanNostrand, Scott Hutchinson & Laya Hutchinson on 8/26/03 starting at 10 am (no pgs: 2) (ph) (Entered: 08/19/2003)
09/08/2003	<u>46</u>	NOTICE to Take Deposition of Mitch Klein, Robert Van Nostrand, Scott Hutchison, Laya Hutchison, L. Dean Schwartz and Larry M. McDaniel by Defendant H T Boggs.(Schuck, Thomas) (Entered: 09/08/2003)
09/22/2003	<u>47</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on Mitchell L. Klein on September 11, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
09/22/2003	<u>48</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on Robert Van Nostrand on September 11, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
09/22/2003	<u>49</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on Scott Hutchison on September 12, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
09/22/2003	<u>50</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on Laya Hutchison on September 12, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
09/22/2003	<u>51</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on L. Dean Schwartz on September 15, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
09/22/2003	<u>52</u>	CERTIFICATE OF SERVICE by Defendant H T Boggs of <i>Subpoena served on Larry M. McDaniel on September 15, 2003</i> (Schuck, Thomas) (Entered: 09/22/2003)
10/16/2003	<u>65</u>	MOTION for Leave to File Expert Disclosures conventionally or to provide them on request of the Court by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (ph,) (Entered: 10/21/2003)
10/16/2003	<u>66</u>	MOTION to Amend Scheduling Order by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (ph,) (Entered: 10/21/2003)
10/20/2003	<u>53</u>	NOTICE to Take Deposition of Tammy Fudge by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>54</u>	NOTICE to Take Deposition of Thaddeus Blatt by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>55</u>	NOTICE to Take Deposition of Michael Gheen by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>56</u>	NOTICE to Take Deposition of Larry Rhodes by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>57</u>	NOTICE to Take Deposition of Kevin Waldo by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)

10/20/2003	<u>58</u>	NOTICE to Take Deposition of H.T. Boggs by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>59</u>	NOTICE to Take Deposition of Dan Konrad by Plaintiff Scott Hutchison Enterprises Inc.(Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>60</u>	AMENDED DOCUMENT by Plaintiff Scott Hutchison Enterprises Inc. Amendment to <u>53</u> Notice to Take Deposition <i>Tammy Fudge</i> . (Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>61</u>	AMENDED DOCUMENT by Plaintiff Scott Hutchison Enterprises Inc. Amendment to <u>54</u> Notice to Take Deposition <i>Thaddeus Blatt</i> . (Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>62</u>	AMENDED DOCUMENT by Plaintiff Scott Hutchison Enterprises Inc. Amendment to <u>56</u> Notice to Take Deposition <i>Larry Rhodes</i> . (Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>63</u>	AMENDED DOCUMENT by Plaintiff Scott Hutchison Enterprises Inc. Amendment to <u>57</u> Notice to Take Deposition <i>Kevin Waldo</i> . (Schroeder, William) (Entered: 10/20/2003)
10/20/2003	<u>64</u>	AMENDED DOCUMENT by Plaintiff Scott Hutchison Enterprises Inc. Amendment to <u>59</u> Notice to Take Deposition <i>Dan Konrad</i> . (Schroeder, William) (Entered: 10/20/2003)
11/04/2003	<u>67</u>	ORDER: Case scheduled for a Status/Scheduling Conf. on 11/19/03 at 10:30 a.m. Counsel to submit position papers by 11/13/03. Signed by Judge Herman J. Weber on 11/4/03. (do,) (Entered: 11/04/2003)
11/06/2003	<u>68</u>	MOTION to Amend [1] Complaint by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(ph,) (Entered: 11/10/2003)
11/07/2003	<u>69</u>	NOTICE by Defendant H T Boggs of <i>Deposition of Jeffrey L. Stephens</i> (Schuck, Thomas) (Entered: 11/07/2003)
11/13/2003	<u>70</u>	STATUS REPORT (<i>Joint</i>) of <i>Plaintiffs and Defendant H.T. Boggs</i> by Defendant H T Boggs, Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Schuck, Thomas) (Entered: 11/13/2003)
11/14/2003	<u>71</u>	NOTICE of Position/Statement filed by Defendant Rhodes Incorporated (art,) (Entered: 11/17/2003)
11/19/2003	<u>72</u>	Minute Entry for proceedings held before Judge Herman J. Weber : Status/Scheduling Conference held on 11/19/2003. Motions addressed; Schedule vacated. Order to issue. (Court Reporter J. Wolfer (Official).) (do,) (Entered: 11/19/2003)
11/20/2003	<u>73</u>	ORDER granting <u>65</u> Motion for Leave to File, granting <u>66</u> Motion to Amend/Correct - the current scheduling order is vacated. Counsel shall submit a proposed scheduling order within 60 days after execution of service on new parties, granting <u>68</u> Motion to Amend/Correct - The Clerk of Courts shall file Plaintiffs Amended Complaint. A status/scheduling

		Conference is scheduled for 4/30/03 at 1:30 p.m. Signed by Judge Herman J. Weber on 11/20/03. (do,) (Entered: 11/20/2003)
11/21/2003	<u>74</u>	NOTICE to Take Deposition of H.T. BOGGS by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Schroeder, William) (Entered: 11/21/2003)
11/25/2003	<u>75</u>	AMENDED COMPLAINT against H Jack Geisler, James M Zimmer, H T Boggs, Rhodes Inc, Rhodes Incorporated, Rhodes and Associates Inc , filed by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership, Defendants H T Boggs, Rhodes Inc, Rhodes Incorporated, Rhodes and Associates Inc.(ph,) (Entered: 12/01/2003)
11/25/2003	<u>76</u>	SUMMONS Returned Executed by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership, Defendants H T Boggs, H Jack Geisler, Rhodes Inc, Rhodes Incorporated, Rhodes and Associates Inc, James M Zimmer. H T Boggs served on 11/25/2003, answer due 12/15/2003; H Jack Geisler served on 11/25/2003, answer due 12/15/2003; Rhodes Inc served on 11/25/2003, answer due 12/15/2003; Rhodes Incorporated served on 11/25/2003, answer due 12/15/2003; Rhodes and Associates Inc served on 11/25/2003, answer due 12/15/2003; James M Zimmer served on 11/25/2003, answer due 12/15/2003. (ph,) (Entered: 12/01/2003)
12/01/2003	<u>77</u>	Objection to Subpoena Duces Tecum Issued to H.T. Boggs by Cross Defendant H T Boggs. (Schuck, Thomas) (Entered: 12/01/2003)
12/11/2003	<u>78</u>	MOTION for Leave to Appear Pro Hac Vice (E David Marshall) by Defendant Rhodes Inc.Fee Paid Receipt # 100 421206 (ph,) (Entered: 12/15/2003)
12/11/2003	<u>79</u>	NOTICE of Substitution of Counsel by M Bradford Sanders & E David Marshall Defendant Rhodes Inc, Cross Claimant Rhodes Inc (ph,) (Entered: 12/16/2003)
12/19/2003	<u>80</u>	Defendant Bogg's ANSWER to Amended Complaint (Second) of Plaintiffs, CROSSCLAIM against H Jack Geisler, Rhodes Inc, Rhodes Incorporated, James M Zimmer by Defendants H T Boggs, H Jack Geisler, Rhodes Inc, Rhodes Incorporated, James M Zimmer.(Paulus, Craig) (Entered: 12/19/2003)
12/23/2003	<u>81</u>	ORDER granting <u>78</u> Motion for Leave to Appear Pro Hac for E. David Marshall. Signed by Judge Herman J. Weber on 12/23/03. (do,) (Entered: 12/23/2003)
01/16/2004	<u>82</u>	ANSWER to Crossclaim by Cross Defendants H Jack Geisler, James M Zimmer.(ph,) (Entered: 01/20/2004)
01/16/2004	<u>83</u>	ANSWER to Amended Complaint, CROSSCLAIM against H T Boggs, Rhodes Inc, Rhodes Incorporated, Rhodes and Associates Inc by Defendants H Jack Geisler, James M Zimmer.(ph,) (Entered: 01/20/2004)
01/27/2004	<u>84</u>	MOTION attorney W. Craig Robertson III for Leave to Appear Pro Hac

		Vice for Defendants H Jack Geisler and James M Zimmer. (Attachments: # <u>1</u> Pro Hac Vice Fee)(ph,) (Entered: 01/28/2004)
01/29/2004	<u>85</u>	ANSWER to Crossclaim of Defendants James M. Zimmer and H. Jack Geisler by Defendant H T Boggs.(Schuck, Thomas) (Entered: 01/29/2004)
02/02/2004	<u>86</u>	ORDER granting <u>84</u> Motion for Leave to Appear Pro Hac Vice for defendants James M Zimmer and H. Jack Geisler by W. Craig Robertson Esq. Signed by Judge Herman J. Weber on 2/2/04.(ph,) (Entered: 02/02/2004)
03/22/2004	<u>87</u>	NOTICE to Take Deposition of KEITH WEBB by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Attachments: # <u>1</u> Exhibit A)(Schroeder, William) Modified on 3/23/2004 (ph,). (Entered: 03/22/2004)
03/22/2004	<u>88</u>	NOTICE to Take Deposition of RUSSELL BLANKENSHIP by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Attachments: # <u>1</u> Exhibit A)(Schroeder, William) Modified on 3/23/2004 (ph,). (Entered: 03/22/2004)
03/22/2004	<u>89</u>	NOTICE to Take Deposition of TED DAWSON by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Attachments: # <u>1</u> Exhibit A)(Schroeder, William) Modified on 3/23/2004 (ph,). (Entered: 03/22/2004)
04/01/2004	<u>90</u>	MOTION for Leave to Appear Pro Hac Vice (Eva Christine Lewis) by Defendants H Jack Geisler, James M Zimmer Fee Paid Rcpt # 100 422427 (ph,) (Entered: 04/02/2004)
04/07/2004	<u>91</u>	NOTICE by Defendant H T Boggs of Manual Filing of Deposition Exhibits 1 - 201 with index (Schuck, Thomas) Modified on 4/8/2004 (ph,). (Entered: 04/07/2004)
04/07/2004	<u>92</u>	NOTICE by Defendant H T Boggs of Manual Filing of Deposition Transcripts and Videotapes (Schuck, Thomas) (Entered: 04/07/2004)
04/07/2004	<u>93</u>	MOTION for Summary Judgment and Memorandum in Support by Defendant H T Boggs. Responses due by 5/3/2004 (Schuck, Thomas) (Entered: 04/07/2004)
04/07/2004		RECEIVED (1) BOX OF DEPOSITION EXHIBITS filed by Defendant H.T. Boggs. (ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Robert A. Van Nostrand taken on 10/7/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of L. Dean Schwartz taken on 10/10/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Larry M. McDaniel taken on 10/10/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Tammy Fudge taken on 10/29/03 (Filed Manually) by

		Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Winford Scott Hutchison taken on 10/8/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Thaddeus A. Blatt taken on 10/28/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Laya Hutchison taken on 10/9/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Jeffrey L. Stephens taken on 11/17/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of H. T. Boggs (Day One) taken on 12/8/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of H. T. Boggs (Day Two) taken on 12/9/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Kevin Waldo taken on 10/24/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Daniel J. Konrad taken on 10/24/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Larry R. Rhodes taken on 10/27/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		DEPOSITION of Mitchell L. Klein taken on 10/6/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of H. T. Boggs taken on 12/8/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Lyle Dean Schwartz taken on 10/10/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Larry M. McDaniel taken on 10/10/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Mitchell L. Klein taken on 10/6/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of H. T. Boggs taken on 12/9/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Jeffrey L. Stephens taken on 11/17/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Robert Van Nostrand taken on 10/7/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/07/2004		VIDEO TAPE DEPOSITION of Thaddeus A. Blatt taken on 10/28/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)

04/07/2004		VIDEO TAPE DEPOSITION of Tammy Fudge taken on 10/29/03 (Filed Manually) by Defendant H T Boggs.(ph,) (Entered: 04/08/2004)
04/13/2004	<u>94</u>	MOTION for Summary Judgment by Defendants H Jack Geisler, James M Zimmer. Responses due by 5/7/2004 (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Text of Proposed Order granting summary judgment)(ph,) (Entered: 04/14/2004)
04/19/2004	<u>95</u>	ORDER granting <u>90</u> Motion for Leave to Appear Pro Hac Vice (E. Christine Lewis)for defenants James M. Zimmer and H. Jack Geisler. Signed by Judge Herman J. Weber on 4/19/04. (ph,) (Entered: 04/19/2004)
04/20/2004	<u>96</u>	RESPONSE in Opposition re <u>94</u> MOTION for Summary Judgment of <i>Defendants James H. Zimmer and H. Jack Geisler</i> filed by Defendant H T Boggs. (Schuck, Thomas) (Entered: 04/20/2004)
04/28/2004	<u>97</u>	ORDER: Status Conference scheduled for 4/30/04 Cancelled. Proposed Scheduling Order to be submitted within 10 days of disposition of SJMs. Signed by Judge Herman J. Weber on 4/28/04. (do,) (Entered: 04/28/2004)
04/28/2004	<u>98</u>	RESPONSE in Opposition re <u>93</u> MOTION for Summary Judgment <i>and Memorandum in Support of Opposition</i> filed by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Powers, Todd) (Entered: 04/28/2004)
04/28/2004	<u>99</u>	RESPONSE in Opposition re <u>94</u> MOTION for Summary Judgment of <i>Opposition</i> filed by Plaintiffs Scott Hutchison Enterprises Inc, W N & Scott Hutchison Partnership. (Schroeder, William) (Entered: 04/28/2004)
05/04/2004	<u>100</u>	RESPONSE in Support re <u>93</u> MOTION for Summary Judgment <i>and Memorandum in Support</i> filed by Defendant H T Boggs. (Schuck, Thomas) (Entered: 05/04/2004)
05/05/2004	<u>101</u>	MOTION for Hearing re <u>93</u> MOTION for Summary Judgment <i>and Memorandum in Support (Request for Oral Argument)</i> by Defendant H T Boggs. (Schuck, Thomas) (Entered: 05/05/2004)
05/05/2004	<u>102</u>	REPLY to Response to Motion re <u>94</u> MOTION for Summary Judgment filed by Defendants H Jack Geisler, James M Zimmer. (Attachments: # <u>1</u> Westlaw)(ph,) (Entered: 05/06/2004)
05/14/2004	<u>103</u>	REPLY to Response to Motion re <u>94</u> MOTION for Summary Judgment filed by Defendants H Jack Geisler, James M Zimmer. (Attachments: # <u>1</u> Exhibit Westlaw)(ph,) (Entered: 05/17/2004)
12/21/2004	<u>104</u>	ORDER Setting Hearing on Motion <u>93</u> MOTION for Summary Judgment, <u>94</u> MOTION for Summary Judgment: Motion Hearing set for 1/19/2005 09:00 AM in Courtroom 1 before Herman J. Weber. Signed by Judge Herman J. Weber on 12/21/04. (do,) (Entered: 12/21/2004)
01/19/2005	<u>105</u>	Minute Entry for proceedings held before Judge Herman J. Weber : Motion Hearing held on 1/19/2005 re <u>93</u> MOTION for Summary

		Judgment, <u>94</u> MOTION for Summary Judgment. Oral argument of counsel. Briefing schedule established. Order to issue. (Court Reporter B. Schwab (Official).) (do,) (Entered: 01/19/2005)
01/19/2005	<u>106</u>	ORDER: Pursuant to the record established at the Hearing held on January 19, 2005. Defendants Geisler and Zimmers shall file additional briefing in regards to the Statute of Limitations by March 4, 2005. Plaintiff shall file their response on or before March 14, 2005, and Defendants shall file their Reply by March 21, 2005. Signed by Judge Herman J. Weber on 1/19/05. (do,) (Entered: 01/19/2005)

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